

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|-----------------|---|-------------------------|
| IN RE: | : | CHAPTER 13 |
| | : | |
| HOPE L. SANDERS | : | CASE NO. 1-19-00574-HWV |
| | : | |
| Debtor | : | |

DEBTOR’S MOTION FOR APPROVAL TO INCUR SECURED DEBT

Hope L. Sanders (“Debtor”), by and through her counsel, Mette, Evans & Woodside, pursuant to Section 363 of the Bankruptcy Code and Rules 6004 and 9014 of the Bankruptcy Rules, files the following Motion for Approval to Incur Secured Debt and in support thereof states as follows:

1. On February 8, 2019, Debtor filed her voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code (the “Code”).
2. The Trustee, Charles J. DeHart, III, Esquire, whose office maintained an address at 8125 Adams Drive, Suite A, Hummelstown, Pennsylvania 17036, was appointed thereafter. On April 30, 2021, Jack N. Zaharopoulos, Esquire, was appointed to replace the retiring Charles J. Dehart, III as the Trustee at the same address.
3. On February 8, 2019, Debtor filed her Chapter 13 Plan. On June 14, 2019, Debtor filed a First Amended Chapter 13 Plan (the “Plan”) to deal with underfunding. After an initial continuance, a confirmation hearing was held on August 14, 2019, and the Plan was confirmed by Order dated August 15, 2019.
4. Debtor is complying with all terms of her Plan.
5. Since the time of filing, Debtor has been impacted by the pandemic and got behind on her mortgage to Freedom Mortgage Corporation (“Freedom”) pursuant to a COVID-19

forbearance.

6. Freedom has offered Debtor a loan modification (submitted by a separate motion for approval this date) which includes a partial FHA COVID-19 loan. The FHA is offering Debtor a loan for \$45,111.15 that will mature concurrently with Freedom's loan, or will be due upon sale, refinance or abandonment. No payments are due until this time. A copy of the Promissory Note is attached hereto, labeled "Exhibit A," and incorporated herein by reference.
7. This is the best deal Debtor has been able to find, between Freedom and FHA, while in bankruptcy and with her credit rating.
8. Pursuant to 11 U.S.C. §1303, Debtor shall have the rights and powers of a Trustee under §363(b).
9. Bankruptcy Code §363(b) permits the Trustee, or in this instance Debtor, after notice and hearing to "use, sell, or lease, other than in the ordinary course of business, property of the estate."
10. If a potential lender is willing to finance the loan by Debtor, such potential lender will have exhibited its satisfaction with, and adequate protection of, its interest in the lien to be executed by Debtor.
11. Debtor does not believe that incurring such indebtedness will have any future negative impact upon the Plan or the creditors to be paid under the Plan.

WHEREFORE, Debtor herein requests that this Court enter an order authorizing Debtor to

incur secured debt from the FHA in the approximate amount of \$45,111.15.

Respectfully submitted,

METTE, EVANS & WOODSIDE

By: /s/ Tracy L. Updike
Tracy L. Updike, Esquire
3401 North Front Street
P.O. Box 5950
Harrisburg, PA 17110
(717) 232-5000
(Attorneys for Debtor)

Date: December 10, 2021